

REMARKS

Claims 16-36 were previously pending in the application. By the Amendment, claims 16, 33 and 36 are currently amended, and claims 16-32, 34 and 35 remain unchanged. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Grounds of Rejection

The claims stand rejected on formal grounds and under the cited prior art of record. Specifically, claims 16-32 were rejected under 35 U.S.C. §112, second paragraph. Additionally, claims 16-18, 25, 28, 31-33 and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Park (U.S. Patent No. 5,477,915). Claims 19-24 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Park, claims 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Cur et al. (U.S. Patent No. 5,377,498), claims 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Maynard et al. (U.S. Patent No. 3,712,078), claims 33, 35 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Holz et al. (U.S. Published Appln. No. 2003/0000241), and claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Holz and Cur.

Independent Claims

Independent claim 16 defines a refrigerating appliance including at least two storage compartments thermally insulated from each other and from a surrounding area, and an evaporator, which can be cooled independently from an evaporator of at least one other storage compartment, being provided with each storage compartment. The evaporator from one of the compartments comprises two evaporators connected in series. The appliance

includes means for switching the mode of operation of at least one of the compartments between a freezing mode and a non-freezing mode.

Independent claim 33 defines a refrigerating appliance including at least two storage compartments thermally insulated from each other and from a surrounding area, and an evaporator that can be cooled independently from an evaporator of at least one other storage compartment. An evaporator is provided with each storage compartment, where the evaporators of each of the storage compartments are connected in parallel to effect the independent cooling. One of the evaporators from one of the compartments comprises two evaporators connected in series. Each of the storage compartments is operable in a plurality of operating modes of different temperatures. A mode switch is cooperable with the evaporator and acts to switch the mode of operation of the compartments between the operating modes.

Rejection Under 35 U.S.C. §112

With regard to the rejection under 35 U.S.C. §112, second paragraph, Applicants hereby reassert the arguments from the Amendment filed February 11, 2011 by reference. As discussed, Applicants submit that the specification clearly sets forth the structure that performs the function of switching the mode of operation of at least one of the compartments between a freezing mode and a non-freezing mode.

With regard to the Examiner's characterization of the "if provided" language, Applicants submit that this comment evidences a misunderstanding of 35 U.S.C. §112, second paragraph. By way of example, assume a patent specification describes an invention with elements A, B and C. The specification additionally describes that element D may also be

included. By the logic in the Office Action, if the Applicant included elements A, B, C and D in the claims, according to the Examiner, such a claim would be indefinite under §112. Patent applicants, however, are entitled to claim their invention at their discretion. In no instance would the exemplary claim including elements A-D be considered indefinite merely because the specification described that element D may or may not be included. In claim 16, Applicants define a refrigerating appliance including . . . means for switching the mode of operation of at least one of the compartments between a freezing mode and a non-freezing mode. Since the specification describes structure that performs such a function, Applicants submit that the claim is definite under 35 U.S.C. §112.

With reference to the Examiner's "Response to Arguments," Applicants are not required to specify whether "both the switch and regulator, or either the switch or the regulator" is the structure to be associated with the claimed means for switching. According to 35 U.S.C. §112, sixth paragraph, the means-plus-function language in the claims encompasses the structure described in the specification and its equivalents. The Examiner questions what specific structure is implied by a generically described regulator. Applicants submit that those of ordinary skill in the art would readily appreciate suitable known structure for the described regulator, including, for example, a switch, a valve, a thermostat, a controller as recognized in the Office Action. Applicants respectfully disagree that those of ordinary skill in the art would not know what specific structure could perform the described functionality.

Withdrawal of the rejection is requested.

Prior Art Rejections

With regard to claim 16, the Office Action maintains the interpretation of evaporator section 52 and evaporator section 54 as two separate evaporators. Applicants respectfully take issue with this characterization of the Park patent. Park describes a refrigerator with multiple compartments and a cooling system. The cooling system is specifically described as including a “first evaporator 50” and a “second evaporator 60.” It is apparent that Park certainly intended by this description to describe separate evaporators. In the first evaporator 50, Park provides a first section 52 and a second section 54. If Park intended for the “sections” of the first evaporator 50 to themselves be independent evaporators, Park would have described those sections as such. This is not the case, however, as Park specifically references items 52 and 54 as “sections” of the first evaporator 50.

With reference to the Remarks in the Amendment filed February 11, 2011, it is clear that Park lacks the claimed evaporator which can be cooled independently from an evaporator of at least one other storage compartment. That is, since the second evaporator 60 is cooled only with refrigerant passed through the first evaporator 50, the second evaporator 60 is not cooled independently.

In addition, claim 16 has been amended to recite that the evaporator from one of the compartments comprises two evaporators connected in series. Support for this subject matter can be found in the specification in, for example, paragraphs [021] and [022]. Park additionally lacks the claimed refrigerating appliance wherein separate evaporators are cooled independently from one another, and where one of the evaporators comprises two evaporators connected in series.

Applicants thus submit that the rejection of independent claim 16 should be withdrawn.

With regard to dependent claims 17, 18, 25 28, 31 and 32, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and also because they recite additional patentable subject matter.

Although claims 33 and 35 are included in the list of rejected claims on page 4 of the Office Action, these claims are not addressed in the grounds of rejection, and Applicants assume that the claim numbers were inadvertently maintained from a previous Office Action.

With regard to the respective rejections of claims 19-24 and 27, claim 26, and claims 29 and 30, Applicants submit that the additional secondary references do not correct the deficiencies noted above with regard to Park, and as such, Applicants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim and also because they recite additional patentable subject matter. Withdrawal of the rejections is requested.

With regard to claim 33, claim 33 has been amended to recite that the evaporators of each of the storage compartments are connected in parallel to effect the independent cooling. Additionally, claim 33 recites that one of the evaporators from one of the compartments comprises two evaporators connected in series. As recognized in the Office Action, Park lacks the evaporators being connected in parallel to effect independent cooling. Without conceding the characterizations of the Holz publication, Applicants submit that Holz similarly lacks the claimed construction wherein separate evaporators are provided for separate storage compartments in a refrigerating appliance, wherein one of the evaporators comprises two

evaporators connected in series, while the evaporators for each compartment are connected in parallel. Applicants thus submit that the rejection of claim 33 should be withdrawn.

With regard to dependent claims 35 and 36, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and also because they recite additional patentable subject matter. Withdrawal of the rejection is requested.

Applicants further submit that dependent claim 34 is allowable at least by virtue of its dependency on an allowable independent claim and also because it recites additional patentable subject matter.

Conclusion

In view of the above, entry of the present Amendment and allowance of Claims 16-36 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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